

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/23/07		Item Number: <u>C-4</u>	
AGENDA ITEM: Authorization to Amend Existing Legal and Professional Services Agreements, Including Approval of Extension of Agreement Terms and Rate Changes.			
Contact Person/Dept.: Carol Schwab or Heather Iker/City Attorney's Office		Phone Number: (310) 253-5660	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing ☐		Action Item: ☐ Attachments ☒	
Public Notification: Master Notification List (07/18/07); Via e-mail on 07/18/07: Caldwell, Leslie & Proctor, PC; Filarsky & Watt, LLP; Jenkins & Hogin, LLP; Jones & Mayer; Law Offices of Alvin S. Michaelson; Liebert, Cassidy, Whitmore; Lightfoot, Vandeveld, Sadowsky, Crouchley, Rutherford & Levine, LLP; Richards, Watson & Gershon; and Seki, Nishimura and Watase, LLP.			
Department Approval: Carol Schwab (07/17/07)		City Attorney Approval: Carol Schwab (07/17/07)	
City Controller Approval: Marlee Chang (7/17/07)		City Manager Approval: Jerry B. Fulwood (07/18/07)	
<u>RECOMMENDATION:</u> Staff recommends the City Council authorize the City Attorney's Office to amend existing legal services agreements with the firms of Caldwell, Leslie & Proctor, PC; Filarsky & Watt, LLP; Jenkins & Hogin, LLP; Jones & Mayer; Law Offices of Alvin S. Michaelson; Liebert, Cassidy, Whitmore; Lightfoot, Vandeveld, Sadowsky, Crouchley, Rutherford & Levine, LLP; Richards, Watson & Gershon; and Seki, Nishimura and Watase, LLP for use on an as-needed basis, including, but not limited to, the extension of agreement terms and hourly rate changes. <u>BACKGROUND AND DISCUSSION:</u> The Culver City City Attorney's Office ("Office") is an in-house operation, providing a wide variety of legal services. Although the Office handles the majority of legal issues facing the City, there are certain legal functions which the Office does not perform on a regular basis, such as representation in complex litigation matters, including, but not limited to tort, employment, and police cases, as well as other specialized areas of the law, for which the Office retains outside counsel. As demonstrated during the past several years, there has been an abundance of issues that have arisen, requiring consultation with attorneys who have specific expertise in certain areas, such as First Amendment, employment, environmental and tax law. As discussed with the Council previously, the combination of the Office's in-house			

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services, with outside counsel for specific tasks, is a model used by all in-house city attorney's offices. This continues to be an efficient and productive system.

Currently, the Office has a need to amend agreements for use on an as-needed basis with some of these law firms, which have been retained to address various legal issues that have arisen over the last several months, as well as amend others to address certain hourly rate changes. Keeping these agreements up-to-date will assist the Office with continuing to provide consistent, high quality, legal representation. Such legal services are often needed to quickly respond to immediate requests. In order to facilitate the handling of these issues, the City Attorney needs to have flexibility in managing outside counsel through the use of on-going legal services contracts with these firms that allow the Office to retain legal counsel as necessary.

The resumes and/or request for rate increase for the above-referenced law firms are included as Attachment 1.

FISCAL ANALYSIS:

The funding for these services is budgeted in two different budget accounts — the City Attorney's budget and the Liability Reserve Fund. The Liability Reserve Fund is used for defense of cases filed against the City. This fund is supported by cost allocations to each department. The City Attorney budget (Legal Services line item) covers expenses for assistance in transactional work, litigation initiated by the City as a plaintiff, advisory opinions and investigations.

ATTACHMENT:

1. Firm resumes and/or requests for rate increases

MOTIONS:

That the City Council:

1. Authorize amendments to existing legal services agreements to allow for retention of the following law firms on an as-needed basis: Caldwell, Leslie & Proctor, PC; Filarsky & Watt, LLP; Jenkins & Hogin, LLP; Law Offices of Alvin S. Michaelson; Lightfoot, Vandavelde, Sadowsky, Crouchley, Rutherford & Levine, LLP; Richards, Watson & Gershon; and Seki, Nishimura and Watase, LLP; and

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2. Approve the rate increases for the following law firms: Jones & Mayer; and Liebert, Cassidy, Whitmore; and
3. Authorize the City Attorney to prepare the necessary agreements and authorize the City Manager to execute the agreements on behalf of the City.